

Motion DENIED.

This the 23rd day of December, 2015.

/s/Louise W. Flanagan, U.S. District Judge

FILED

DEC 02 2015

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY SWT DEP CLK

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT COURT
OF NORTH CAROLINA

In re: Case known as USA v Robert T. Marsh, 7:12-CR-138-1-FL

MOTION FOR RECONSIDERATION PURSUANT TO FED. R. CIV. PROC.
RULE 59(e) AFTER MODIFICATION OF A SENTENCE REDUCTION
PURSUANT TO 18 U.S.C § 3582(c)(2) and § 1B1.10(c); IN
ALTERNATIVE MOTION TO ALTER OR AMEND JUDGEMENT

Comes now the petitioner, Robert Todd Marsh, hereby pro se and respectfully moves this Honorable Court to [reconsider] its previous order modifying petitioner's sentence of 131 mths to 120 mths.

The petitioner will be requesting for the amendment of judgement to reflect 106 months in light of the following herein reasons:

- ° The petitioner was never given the opportunity to respond to the any position asserted by opposing parties and was not given the opportunity to lay forth his post sentencing conduct as § 1B1.10(c) and application notes 1(B)(iii) .(See Ex A Motion submitted on my behalf along with the amended judgement)
- ° The Government and Court have miscalculated the appropriate "new sentence" in regards to the clear and unambiguous Sentencing Commissions full 2 level reduction to be provided to those who provided assistance to the government in the prosecution of others...

Applicable [Facts] of Case

The petitioner was initially sentenced pursuant to the 10-Life provision of §841(b)(1)(a). On the day of sentencing, the petitioners